

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>ANTHONY ADAMS,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>C.A. No. 21-165 Erie</b>
<b>v.</b>	)	
	)	<b>District Judge Susan Paradise Baxter</b>
<b>DEPARTMENT OF CORRECTIONS,</b>	)	<b>Magistrate Judge Richard A. Lanzillo</b>
<b>et al.,</b>	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

Plaintiff Anthony Adams, an inmate incarcerated at the State Correctional Facility at Houtzdale, Pennsylvania, originally filed this *pro se* civil rights action in the United States District Court for the Middle District of Pennsylvania, on May 4, 2021. The action was subsequently transferred to this Court on June 25, 2021. Named as Defendants are the Department of Corrections and Lauren Faunce, a licensed practical nurse at SCI-Forest, where Plaintiff was previously incarcerated. Plaintiff alleges that Defendant Faunce sexually harassed and assaulted him on numerous occasions in July and August 2020, in violation of Plaintiff's rights under the eighth amendment to the United States Constitution. This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.


On April 1, 2022, Judge Lanzillo issued a report and recommendation ("R&R") recommending that Plaintiff's claims against the Department of Corrections be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(e), based on the immunity afforded states

and state agencies by the Eleventh Amendment [ECF No. 12]. No timely objections to the R&R have been filed by Plaintiff.

After de novo review of the complaint, together with the report and recommendation, the following order is entered:

AND NOW, this 25<sup>th</sup> day of April, 2022;

IT IS HEREBY ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued April 1, 2022 [ECF No. 12], is adopted as the opinion of the Court, and Plaintiff's claims against Defendant Department of Corrections are DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e), based on Eleventh Amendment immunity. The Clerk is directed to terminate the Department of Corrections as a Defendant in this case.

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
U.S. Magistrate Judge

all parties of record